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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,258	12/27/2005	Abraham Gijsbert De Koning	72998-013100/US	5104

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GREENBERG TRAURIG LLP (LA)  
2450 COLORADO AVENUE, SUITE 400E  
INTELLECTUAL PROPERTY DEPARTMENT  
SANTA MONICA, CA 90404

EXAMINER
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RIOS, LORRAINE

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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02/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,258	<b>Applicant(s)</b> DE KONING, ABRAHAM GIJSBERT	
	<b>Examiner</b> LORRAINE RIOS	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/15/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/30/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, drawn to apparatus.

Group II, claim(s) 9-10, drawn to method.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common claimed feature of pre-stressing means which produce a pre-stressing effect on the independent claims 1, 9 and 10 is not novel as it is shown by Delmer (US 4240342) and Kurth (US 5742991). Delmer discloses that press assemblies using tie rods (pre-stressed tie rods) are of common use in any press application (Column 1, lines 12-14). It is well known by those skilled in the art that injection molding is a press application. Kurth also discloses that in presses for processing plastic materials, pre-stressing pins are used, preferably hydraulic ones (Abstract).

2. During a telephone conversation with Charles Berman on January 14, 2009 a provisional election was made with traverse to prosecute the invention of Group 1, claims 1-8. Affirmation of this election must be made by applicant in replying to this

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Office action. Claims 9-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both bores and opening. Reference character "20" has been used to designate both recess or grooves and piston/cylinder. Also reference character "21" has been used to designate both bag and piston/cylinder. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: bore "18" on page 4, line 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

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amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to because items "3" and "5" are not clear in the drawings, they seems to refer to the same part. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

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The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

6. The disclosure is objected to because of the following informalities: **a)** no heading is provided to identify each section in the application; **b)** the specification refers to feature 21 as a piston cylinder unit (page 3, line 10) and as a bag (page 5, line 4) however it does not appear that it can be both.

Appropriate correction is required.

### ***Claim Objections***

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7. Claim 1 is objected to because of the following informalities: there is a spelling error because it says "a fixing for fixing" making the claim unclear.

8. Claim 6 is objected to because of the following informalities: the word "to" is repeated two consecutive times.

9. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB395891 (made of record by applicant, hereafter GB '891) in view of Delmer (US 4240342).

10. Regarding to claim 1, GB '891 teaches a mold holder (mould clamp) comprising a seat (chamber) for receiving a mold part and fixing (plate 4) for fixing to an injection molding machine (molding press), wherein said mold holder comprises two end faces parts (closure members) located opposite one another and spacers (pressure members) between said end faces parts, wherein said seat is delimited between said end parts and said spacers (page 1, lines 43-58; lines 90-94; Fig. 1, items 4, 5, 6 and 7).

11. GB '891 fails to teach pre-stressing means to pull said end face part towards one another with pre-stressing.

12. However in the same field of endeavor, Delmer teaches pre-stressing means (tie

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rods) used in press assemblies to tie together a force member and a resistance member (Column 1, lines 12-20; Column 2, lines 13-18) for the benefit of a more stable assembly.

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine GB'891 teachings with those of Delmer for the benefit of a mold holder that comprising spacer between two faces where said faces are pull toward one another by pre-stressing means in order to provide stability to the mold holder.

14. Regarding to claim 2, the combination of GB '981 and Delmer teachings remains as applied above for claim 1.

15. Although the combination does not explicitly teaches the use of a second pair of pre-stressing means to pull the spaces toward one another. It would have been obvious for one of ordinary skill in the art to use pre-stressing means in order to pull the spacers towards one another in order to provide more rigidity and a better stability to the mold holder assembly.

16. Regarding to claim 3, the combination of GB '981 and Delmer teachings remains as applied above for claim 1. Delmer also teaches tensioning rods (tie rods) as pre-stressing means used on a press assembly (injection mold assembly; Column 1, lines 12-14; Column 2, lines 14-16).

17. Regarding to claim 4, the combination of GB '981 and Delmer teachings remains as applied above for claim 3 and such combination of prestressing means and spacers would include the means for drawing to extend in the spacers.

18. Regarding to claim 5, the combination of GB '981 and Delmer teachings remains as



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applied above for claim 1. GB '891 also teaches that said spacers have a triangular shape (Page 1, lines 68-69; Fig. 1, item 6).

19. Regarding to claim 6, the combination of GB '981 and Delmer teachings remains as applied above for claim 1.

20. Although the combination does not explicitly teaches hydraulic pre-stressing means to pull the end face parts toward one another, it is well known in the art the use of hydraulic pre-stressing means to close molds. One of ordinary skill in the art would have been motivated to use this kind of pre-stressing means for the benefit of move the end faces one toward another.

21. Regarding to claim 8, the combination of GB '981 and Delmer teachings remains as applied above for claim 1.

22. Although the combination does not explicitly teaches the spacer consisting of a number of spacer members placed on top of one another, one of ordinary skill in the art would have been motivated to make the device of multiple parts rather than one single unit because such simplifies construction, makes it more versatile and lighter for transport. Further regarding claim 8, it would have been obvious to separate the spacer into multiple parts. The mere fact that a given structure is integral does not preclude its consisting of various elements. *Nervin v Erlichman*, 168 USPQ 177, 179.

### ***Allowable Subject matter***

1. Claim 7 is objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the

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base claim and any intervening claims.

2. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or suggest a hydraulically deformable part moving on said seat.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ruhl (US 4500275).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LORRAINE RIOS whose telephone number is (571)270-7008. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.R.

/Joseph S. Del Sole/  
Supervisory Patent Examiner, Art Unit 1791